

Customer No. 24498
Attorney Docket: SCP061774
Office Action Date: November 21, 2008

Remarks/Arguments

The Office Action mailed on November 21, 2008 has been reviewed and carefully considered. Claim 1 has been amended. Claims 11 and 12 have been added. Claims 1, 3-6 and 10-12 are now pending in this application. No new matter has been added.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested. It should be noted that the Applicant is not conceding in this application that the amended claims in their prior form are not patentable over the art cited by the Examiner, as the present claim amendments have been made only to facilitate expeditious prosecution of the application. The Applicant respectfully reserves the right to pursue these and other claims in one or more continuation and/or divisional patent applications.

Claims 1 and 3-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gurantz (U.S. Patent No. 5,936,660) in view of Ushiyama (U.S. Patent No. 6,349,140).

Claim 1 recites inter alia:

an access control module able to cooperate with a memory card for conditioning the operation of the first and second processing pathways,

the first and second processing pathways comprising respective first and second management means for driving the conversions of the first and second scrambled signals via selected ones of the first and second descrambling modules, and in that the first management means is arranged to communicate with the access control module to obtain a first access control message for allowing conversion of the first scrambled signals, and the second management means is arranged to communicate with the access control module by way of the first management means to obtain a second access control message for allowing conversion of the second scrambled signals

Customer No. 24498
Attorney Docket: SCP061774
Office Action Date: November 21, 2008

It is respectfully submitted that Gurantz and Ushiyama, taken singly or in combination, fail to disclose or render obvious at least two management means that drive the conversion of scrambled signals and obtain respective access control messages for allowing conversion of the signals from an access control module. Although Gurantz discloses a digital converter subscriber box that includes multiple processing paths for television signals directed to multiple television sets, Gurantz nowhere discloses or remotely suggests multiple management means that obtain access control messages from an access control module for allowing conversion of scrambled signals.

Furthermore, Ushiyama fails to cure the deficiencies of Gurantz. Ushiyama is directed to a descrambling system that includes a parent unit and a child unit, each of which is connected to different televisions for the output of content received from a cable television provider (see, e.g., Ushiyama, FIG. 4). In support of the rejection of the claims, the Office Action has stated that the child unit receives a control message via signal b for converting scrambled signals (see, e.g., Office Action dated November 21, 2008, section 4, p. p. 2-3). The Applicant respectfully disagrees. Signal b, referenced in the Office Action, is not a control message for converting scrambled signals. Rather, signal b is the descrambled, converted TV signal that is eventually output to a television (see, e.g., Ushiyama FIGS. 4 & 12; column 9, lines 3-16; column 9, lines 37-40). Furthermore, signal b is certainly not an access control message for allowing conversion of scrambled signals, as signal b is the converted signal. Thus, Ushiyama, taken singly or in combination with Gurantz, fails to teach or render obvious at least two management means that obtain respective access control messages allowing conversion of scrambled signals from an access control module.

Customer No. 24498
Attorney Docket: SCP061774
Office Action Date: November 21, 2008

Accordingly, claim 1 is believed to be patentable over the cited references for at least the reasons discussed above. In addition, claims 3-6 are believed to be patentable due at least to their dependencies from claim 1. However, there are other reasons for which the claims are patentable over the references.

For example, claim 1 also recites "first and second descrambling modules." This feature facilitates, for example, the descrambling of television signals from different broadcast sources employing different encryption keys by utilizing multiple descrambling units to decrypt the signals (see, e.g., Specification, p. 8, lines 17-24; E1, E2, FIG. 2; p. 10, lines 24-30; U1, CW1 and V1, CW2, FIG. 3). Neither Gurantz nor Ushiyama disclose or render obvious utilizing two descrambling units. As illustrated in FIG. 3 of Gurantz, only a single conditional access unit decrypts all incoming signals for all processing paths (see, e.g., Gurantz, FIG. 3; column 4, lines 29-36). Similarly, Ushiyama discloses only a single descrambling unit, which is within the parent unit (see, e.g., Ushiyama elements 3 and 40, FIGS. 3-4).

In support of the rejection of claim 1, the Examiner has interpreted "descrambling" as "taking an image which is not viewable (scrambled), and tunes, demodulates, and decompresses it so that it can be output as viewable (descrambled) video" (see, e.g., Office Action dated November 21, 2008, p. 3, section 5). In turn, the Examiner has stated that the processing pathways including tuner/demodulator/decompression/modular units disclosed in Gurantz constitute descrambling units (see, e.g., Office Action dated November 21, 2008, p. 3, section 5).

However, the Examiner's broad interpretation of "descrambling" cannot be applied to claim 1 because the interpretation is inconsistent with the specification. "[W]ords of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification." MPEP §2111.01 (citing *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322

Customer No. 24498
Attorney Docket: SCP061774
Office Action Date: November 21, 2008

(Fed. Cir. 1989)) (emphasis added). Furthermore, “[w]here there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.” §2111.01 (quoting Renishaw PLC v. Marposs Societa' per Azioni, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) (emphasis added)). Applicants submit that the plain understanding of the term descrambling in the television arts refers to decrypting a signal such that the signal can be formatted for display without use of further secret keys or the like. However, even assuming arguendo that the examiner’s broad interpretation is proper, applicants submit that such an interpretation is not proper in view of the present specification. The patent disclosure only uses the term descrambling with respect to decrypting. For example, the descrambling module in accordance with the present principles descrambles incoming signals by utilizing a descrambling key in the form of a control word, which is received by transmitting entitlement control messages (ECM) and/or entitlement management messages (EMM) to an access control module employing a smart card (see, e.g., Specification, p. 5, line 36 to p. 6, line 13). Control words, ECMs, EMM and smart cards are all means for decrypting information, as understood by those of ordinary skill in the art.

In addition, interpreting descrambling as merely changing the format of a signal through tuning, demodulating and decompressing it is inconsistent with the Specification. As illustrated in FIG. 1 of the Specification, a descrambling module (16) is explicitly distinguished from a tuning module (11), a demodulating module (12) and a decompressing module (14) (see, e.g., Specification, p. 5, lines 36-39; p. 5, lines 10-12; p. 6, lines 15-19). Thus, “descrambling,” as employed by the present disclosure, cannot be interpreted as “tuning, demodulating and decompressing,” because the interpretation is inconsistent with the Specification.

Customer No. 24498
Attorney Docket: SCP061774
Office Action Date: November 21, 2008

Accordingly, claim 1 is patentable over Gurantz and Ushiyama at least because neither reference discloses or renders obvious two descrambling modules, as discussed above.

Claim 10 stands rejected under 35 U.S.C. §102(e) as being anticipated by Gurantz.

Claim 10 recites, inter alia:

a demultiplexer device, said demultiplexer device having a demultiplexer control input and a demultiplexer device input, said demultiplexer device input being operatively coupled to said demodulator device output, said demultiplexer device including a plurality of descrambler devices, said plurality of descrambler devices having a respective plurality of descrambler device outputs;

In support of the rejection of claim 10, the Examiner interprets an RF modulator disclosed in Gurantz (see Gurantz, 108, FIG. 3) as corresponding to a descrambler device recited in claim 10. Specifically, the Examiner asserts that an RF modulator is interpreted as a descrambler because, without RF modulation, the television would only receive an unviewable image (see Office Action dated November 21, 2008, p. 4, section 6). The Applicant respectfully disagrees.

Firstly, Gurantz fails to disclose or render obvious employing a plurality of descrambling devices as understood by one of ordinary skill in the art for at least the reasons discussed above with regard to claim 1.

Secondly, the RF module may not be interpreted as a "descrambler" because the interpretation is inconsistent with the Specification. "[W]ords of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification." MPEP §2111.01 (citing In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)) (emphasis added). Furthermore, "[w]here there are several common meanings for a claim term, the patent

Customer No. 24498
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disclosure serves to point away from the improper meanings and toward the proper meanings." §2111.01 (quoting Renishaw PLC v. Marposs Societa' per Azioni, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) (emphasis added). As discussed at length above, the patent disclosure employs the common meaning of decrypting for the term "descrambling" through its description of employing control words, ECMs, EMM and a smart key to descramble television signals. The RF module described in Gurantz is essentially a digital to analogue converter, as the RF module converts a decrypted, decompressed digital video into an RF signal viewed on a standard television set (see, e.g., Gurantz, column 4, lines 34-38). The RF module does not decrypt signals. Therefore, the RF module may not be interpreted as a descrambler device.

Furthermore, interpreting a digital to analogue converter as being equivalent to a descrambler device is inconsistent with the Specification. As illustrated in FIG. 1 of the present disclosure, a descrambler (16) is explicitly distinguished from a digital to analogue converter (15) (see, e.g., Specification, p. 5, lines 36-39; p. 6, lines 19-23). Thus, a digital to analogue converter clearly is not a descrambler, as claimed. As such, the Examiner's interpretation may not be applied claim 10 at least because the interpretation is inconsistent with the Specification.

Accordingly, claim 10 is believed to be patentable over Gurantz for at least the reasons discussed above. Withdrawal of the rejection is respectfully requested.


In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of November 21, 2008 be withdrawn, that pending claims 1, 3-6 and 10-12 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

The office is authorized to charge Applicant's Deposit Account No. 07-0832 the fee for a one-month extension of time to respond. It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in

Customer No. 24498
Attorney Docket: SCP061774
Office Action Date: November 21, 2008

connection with the application, they may be charged to applicant's representatives Deposit
Account No. 07-0832.

Respectfully submitted,

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